

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ANDREW CHARLES HELTON,	}	
	}	
Petitioner,	}	
	}	
vs.	}	No. 06-2040-M1/An
	}	
DAVID MILLS,	}	
	}	
Respondent.	}	
	}	

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS
AND
ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

Petitioner Andrew Charles Helton, Tennessee Department of Correction prisoner number 304808, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on January 19, 2006, along with an application seeking leave to proceed in forma pauperis. Based on the information contained in the petitioner's affidavit, the motion to proceed in forma pauperis is GRANTED. The Clerk shall record the respondent as WTSP warden David Mills.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which

convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Helton is challenging a conviction that was obtained in the Davidson County Criminal Court. Davidson County is in the Nashville Division of the Middle District of Tennessee. 28 U.S.C. § 123(b)(1).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. §§ 1406(a) and 2241(d), that this case is TRANSFERRED, forthwith, to the Nashville Division of the Middle District of Tennessee.

IT IS SO ORDERED this 13th day of February, 2006.

/s/ Jon P. McCalla
JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE